IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

WP(C).No. 19238 of 2004(M)

PETITIONER:

P.E.GEORGE, U.D.CLERK,
OFFICE OF THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD,
MALAPPURAM.

BY ADV.SRI.ELVIN PETER P.J.

RESPONDENTS:

1. **KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD, BEACH ROAD, KOLLAM, REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER.**
2. **THE CHIEF EXECUTIVE OFFICER, KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD, BEACH ROAD, KOLLAM.**
3. **SRI.VENUGOPALAN, HEAD CLERK, OFFICE OF THE DISTRICT EXECUTIVE OFFICER, KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD, PALAKKAD.**
4. **SRI.SREEKUMARAN NAIR, HEAD CLERK, OFFICE OF THE DISTRICT EXECUTIVE OFFICER, KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD, THIRUVANANTHAPURAM.**

W.P.(C). NO.19238/2004:

5. SRI.RAJKAMAL, JUNIOR SUPERINTENDENT,
OFFICE OF THE CHIEF EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD,
KOLLAM.

6. SMT.BEENA, JUNIOR SUPERINTENDENT,
OFFICE OF THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD,
KOZHIKODE.

BY ADV. SRI.K. HARILAL, SC, FOR R1,
SRI.P.B.SURESH KUMAR FOR R3,
SRI.C.K.THANU PILLAI FOR R4.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/07/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.19238/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE ORDER NO. E1/7392/2001 DTD. 05/06/2002 ISSUED BY THE R.1.

EXT.P.2: COPY OF THE COMMUNICATION NO. 1/7392/2001. DTD. 19/08/2002 ISSUED BY THE R.2.

EXT.P.3: COPY OF THE JUDGMENT DTD. 9TH AUGUST, 1996 IN O.P. NO. 11360/93 OF THIS HON. COURT.

EXT.P.4: COPY OF THE ORDER G.O. (RT). NO. 847/97/LBR. DTD. 19/03/1997 ISSUED BY THE GOVT.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P. (C). NO. 19238 OF 2004

Dated this the 5th day of July, 2007.

J U D G M E N T

This writ petition is filed with the following prayers:

> i) issue a writ of mandamus or any other appropriate writ, direction or order declaring that the petitioners should be given promotion to the category of Head Clerk with effect from 5-6-2003 after removing deputationists, respondents 3 and 4, if necessary, with all consequential benefits.
>
> ii) issue a writ of mandamus or any other appropriate writ, direction or order directing respondents 1 and 2 to consider the petitioner for promotion to the category of Junior Superintendent in the posts occupied by deputationists, respondents 5 and 6, or in the vacant posts now available in the Board.

2. It is submitted that the petitioner had already filed a representation before the first respondent on 06.05.2003. It is also submitted that the petitioner is entitled to succeed in view of Exhibit P3 judgment.

There will be a direction to the first respondent to look into the representation filed by the petitioner and take appropriate action thereon in accordance with law in the light also of

Exhibit P3 with notice to the petitioner, respondents 4 and 5 and any other affected parties. This shall be done within a period of two months from the date of production of a copy of this judgment.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp